UNITED
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Security Council

Distr.
GENERAL

S/1997/586
25 July 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF FRANCE ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 22 July 1997 from the Permanent Representative of France to the United Nations, stating that Mr. Pascal Teixeira has been appointed alternate representative of France on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

97-20349 (E) 250797

UNITED
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Security Council

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GENERAL

S/1997/587
25 July 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 24 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you the attached letter dated 22 July 1997 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, containing examples of category "F" claims filed by Governments. These claims are excessive and without any legal basis and are designed to prejudice the Iraqi economy and to obstruct the Iraqi people's right to life and development.

I should be grateful if you would have this letter and the attached letter from the Minister for Foreign Affairs of the Republic of Iraq circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-20368 (E) 280797 280797

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Annex

Letter dated 22 July 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I wish to draw your attention to some of the category "F" claims filed by Governments with the United Nations Compensation Commission contained in the nineteenth report submitted by the Executive Secretary to the Governing Council of the Commission (A/AC.26/1997/R.7), dated 11 April 1997. Paragraphs 18 to 32 of the report contained the following claims for compensation:

"18. The Kuwait Audit Bureau alleges that the majority of its employees were not able to work during the occupation period and for the three months immediately following liberation. Nevertheless, the Audit Bureau paid its Kuwaiti employees and the employees from Gulf Cooperation Council ("GCC") countries, but not its non-Kuwaiti and non-GCC employees, their accrued wages, including salaries and benefits, for the period of the occupation and three months thereafter. As a result, the Audit Bureau claims that it did not receive a benefit in return for its payment of such salaries. The Audit Bureau states that its payment of such salaries and benefits to Kuwaiti and GCC citizens was mandated by decisions made by Kuwait's Council of Ministers on 6 May 1991 and 4 November 1991. Other than the decisions of Kuwait's Council of Ministers, the Audit Bureau does not allege that it was under any legal or contractual obligation to make such payments. The issue raised is whether the Audit Bureau's payment of salaries and benefits to its Kuwaiti and GCC employees, made in accordance with a post-liberation decision of Kuwait's Council of Ministers, constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"19. On 1 July 1990, the Audit Bureau pre-paid rent on the office space that it intended to occupy in Kuwait City for the following twelve month period. During the seven month Iraqi occupation period and for four months following liberation, the Audit Bureau was unable to use its rented offices. It now seeks compensation for the pre-paid rent it expended for the eleven months that it was unable to use its offices. The issue raised is whether the loss of use of offices in Kuwait City during the occupation period and immediately thereafter is a loss directly caused by Iraq's invasion and occupation of Kuwait.

"20. The Audit Bureau states that due to a lack of contractors, suppliers, supplies and funding after the end of the occupation of Kuwait, the completion of its new office building, which was originally scheduled for January 1992, was delayed until October 1994. Consequently, the Audit Bureau states that it was required to rent office space during the period of the delay in construction. Moreover, under the terms of its lease, the Audit Bureau states that it was required to pay rent for three months after its new office building was completed. Finally, the Audit Bureau claims that due to an increase in the size of its staff, who could have been accommodated in its new building, it was required to rent additional space. The Audit Bureau seeks compensation for all such rent that it incurred following the liberation of Kuwait. The issues raised include: (a) does

the rent paid by a government entity for its offices constitute a loss directly caused by Iraq's invasion and occupation of Kuwait where the rent was incurred because of a delay in the construction of the government entity's office building caused by the conditions of the post-liberation construction market in Kuwait City; (b) does rent paid under a lease negotiated by a government entity for office space which was not actually used constitute a loss directly caused by Iraq's invasion and occupation of Kuwait; and (c) does rent paid in July 1993 by a government entity for additional office space to accommodate growth in its staff constitute a loss directly caused by Iraq's invasion and occupation of Kuwait.

"21. The Audit Bureau claims that two engineers on its staff were required to spend 50 per cent of their time supervising the construction of the bureau's new office building and were thus unable to spend such time on their regular jobs. Due to the delay in the completion of its building, caused by the lack of contractors, suppliers, supplies and funding in post-liberation Kuwait City, the Bureau states that it incurred a loss valued at 50 per cent of the salaries it paid to the engineers for the period of the delay. The issue raised is whether the salaries paid by a government entity to its staff members supervising the construction of a building during a period of delay in the construction constitute a loss directly caused by Iraq's invasion and occupation of Kuwait.

"22. Following Iraq's invasion of Kuwait, one claimant's ambassador to the Kingdom of Saudi Arabia incurred costs as he travelled to various locations within the Kingdom to meet with his country's nationals, to brief them on developments in the Persian Gulf region and to plan their evacuation from Saudi Arabia. The issue raised is whether the cost of such activities in Saudi Arabia constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"23. Following Iraq's invasion of Kuwait, one claimant purchased protective suits and masks, canisters, medicine, jerry cans, batteries, wires, torches, TV cable, adapters, plastic, adhesive tape, walkie-talkies, chemical warfare books and radios for its embassy in Tel Aviv, Israel. The claimant also purchased blankets, mattresses, a gas cooker and emergency lights for its mission in Riyadh, Saudi Arabia. The claimant also installed a shortwave radio at its consulate in Abu Dhabi and, following the liberation of Kuwait, paid to have the radio shipped back to its home country. Additionally, the claimant sent chemical warfare protection equipment and other medical and emergency supplies to its diplomatic missions in Tehran, Iran; Baghdad, Iraq; Damascus, Syria; and Riyadh, Saudi Arabia. Another claimant made similar purchases for its embassy in Amman, Jordan. The issue raised is whether the cost of such items constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"24. One claimant permitted its embassy personnel in Damascus, Syria and Tel Aviv, Israel to make 10 minute weekly phone calls at embassy expense to their families abroad during the period of Iraq's occupation of Kuwait. The issue raised is whether the cost of such phone calls constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"25. One claimant incurred the cost of providing food and beverages to security personnel guarding its ambassador's residence in Damascus, Syria during the period of Iraq's occupation of Kuwait. The issue raised is whether the costs associated with providing security in Syria for a claimant's ambassador constitute a loss directly caused by Iraq's invasion and occupation of Kuwait.

"26. One claimant set up an Iraq/Kuwait 'task force' at its department of foreign affairs headquarters. The task force was responsible for coordinating the role in the management of the department's functions relating to the invasion and subsequent armed conflict. The task force was staffed on a 24 hour, seven day a week basis. The claimant seeks compensation for the cost of operating the task force. The issue raised is whether the establishment of a task force within a department of foreign affairs to coordinate the department's diplomatic activities in response to the situation in the Persian Gulf constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"27. One claimant sent its department of foreign affairs diplomats on missions to consult with the Kuwaiti government in exile and other governments during the period of Iraq's occupation of Kuwait and now seeks compensation for the costs incurred during these missions. The issue raised is whether such costs constitute a loss directly caused by Iraq's invasion and occupation of Kuwait.

"28. One claimant seeks compensation for the costs that it incurred in making overtime payments to its staff members at its embassies in Iraq and Jordan in the period following Iraq's invasion of Kuwait. The issue raised is whether the payment of overtime salaries to embassy personnel in Iraq and Jordan constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"29. After evacuating its diplomats from its embassy in Baghdad, Iraq, one claimant sent these diplomats on short term missions to other countries in Europe and the Middle East. The claimant now seeks compensation for the travel and accommodation costs it incurred in sending its diplomats on such short term missions to other countries. The issue raised is whether the cost of sending diplomats to other countries after the claimant evacuated its embassy in Baghdad constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"30. One claimant seeks compensation for the cost of sending one of its department of foreign affairs employees to attend chemical weapons training at the Army School of Military Engineering in Liverpool, England during the period of Iraq's occupation of Kuwait. The issue raised is whether the cost of sending an employee to chemical weapons training in England constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"31. One claimant sent its staff to various cities within its country to brief the relatives and employers of hostages held in Iraq on the status of the hostages. It now seeks compensation for the cost incurred in liaising

with such persons regarding the fate of their relatives and employees held hostage in Iraq. The issue raised is whether the cost of briefing the relatives and employers of hostages held in Iraq by the Government of Iraq constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait.

"32. One claimant provided emergency funds to its citizens who were in financial difficulty in Kuwait following Iraq's invasion. The issue raised is whether the provision of such relief constitutes a loss directly caused by Iraq's invasion and occupation of Kuwait."

The least that can be said of the claims set forth above is that they are excessive and include absurd claims with no legal basis. They conceal political goals, the foremost of which is to prejudice the requirements of the Iraqi people and its fundamental interests, destroy its national economy and profit unlawfully at its expense. This amounts to a deliberate insistence on the impoverishment of that people and the obstruction of its right to life and development, which conflicts with the most basic precepts of international law and the principles of justice and impartiality, and even with relevant Security Council resolutions, including resolution 687 (1991). In relation to compensation, this resolution directs that the requirements of the people of Iraq should be taken into account, together with Iraq's payment capacity and the needs of the Iraqi economy.

While stressing its good faith and determination to abide by its legal obligations with regard to compensation, the Iraqi Government stresses that compliance with those obligations should be on the basis of the provisions of international law and the principle of equity. It therefore expresses its profound astonishment that the United Nations Compensation Commission should accept the aforementioned compensation claims, which the Government considers leave the field wide open for many other unlawful and exaggerated claims that will severely prejudice the Iraqi people and their legitimate rights.

I should be grateful if you would have this letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/588
25 July 1997

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 25 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith the text of the Declaration issued by the United National and Islamic Front for the Salvation of Afghanistan (UNIFSA), dated 25 July 1997.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) A. G. Ravan FARHADI
Ambassador
Permanent Representative

97-20355 (E) 250797

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Annex

Text of the Declaration issued by the United National and Islamic Front for the Salvation of Afghanistan (UNIFSA) on 25 July 1997

The United National and Islamic Front for the Salvation of Afghanistan, in conformity with its former position and that of the Islamic State of Afghanistan and in the light of the latest rapid military developments on the outskirts of the capital, Kabul, issues the following Declaration:

1. While its forces are now positioning at the gates of Kabul, the United Front calls upon the Taliban to abide by the recommendations stipulated by the United Nations General Assembly and Security Council resolutions on the issue of the demilitarization of Kabul and announce their immediate concurrence thereupon.

2. Pending the realization of the above-mentioned conditions, the United Front would express its readiness for negotiations concerning all conflicting points including observing a ceasefire and exchange of prisoners of war (POWs). The United Front, while considering the continuation of war and hostilities contrary to the aspirations of the war-ravaged people of Afghanistan, declares its firm conviction to tackle all issues related to the conflict in Afghanistan through peaceful means, negotiations and intra-Afghan dialogue.

3. Supportive to the Islamic State of Afghanistan, the United Front once again expresses conviction in its quest for a permanent solution to the crisis in pursuit of the new initiatives aimed for referring to the will of the people. The United Front is determined to carry on every possible effort for the convening of the traditional Loya Jirga (Grand Decision Making Assembly), during a time period of no later than 6 to 9 months. For the realization of this objective, a provisional government composed of experienced, expert and independent figures will be nominated.

4. The United Front calls upon the United Nations and the Organization of the Islamic Conference (OIC) to help the Islamic State of Afghanistan in the convocation of a Loya Jirga and supervision of the convening process of this Great National Assembly.

5. Whereas the military events in the country have entered a determining stage, the Islamic Republic of Pakistan is hereby requested to refrain from providing the Taliban any further military assistance and henceforth prepare the ground for rebuilding mutual confidence and restoring normal fraternal relations and good neighbourliness between Afghanistan and Pakistan.

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S/1997/589
29 July 1997
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Antigua and Barbuda, Argentina, Bahamas, Barbados, Canada, Chile, Costa Rica, Ecuador, France, Guatemala, Guyana, Jamaica, Nicaragua, Suriname, Trinidad and Tobago, United States of America and Venezuela: draft resolution

The Security Council,

Recalling all its relevant resolutions and those adopted by the General Assembly,

Taking note of the request of 13 November 1996 from the President of the Republic of Haiti to the Secretary-General of the United Nations (S/1996/956), and the letter of 20 July 1997 from the Permanent Representative of Haiti to the United Nations to the Secretary-General (S/1997/568),

Taking note of the report of the Secretary-General of 19 July 1997 (S/1997/564 and Add.1), and the recommendations contained therein,

Commending the role of the United Nations Support Mission in Haiti (UNSMIH) in assisting the Government of Haiti in the professionalization of the police and in the maintenance of a secure and stable environment conducive to the success of the current efforts to establish and train an effective national police force, and expressing its appreciation to all Member States which have contributed to UNSMIH,

Noting the termination in accordance with resolution 1086 (1996) of the mandate of UNSMIH as of 31 July 1997,

Supporting the role of the Special Representative of the Secretary-General in the coordination of activities by the United Nations system to promote institution-building, national reconciliation and economic rehabilitation in Haiti,

Noting the key role played to date by the United Nations Civilian Police, supported by United Nations military personnel, in helping to establish a fully functioning Haitian National Police Force of adequate size and structure as an integral element of the consolidation of democracy and the revitalization of

Haiti's system of justice and, in this context, welcoming continued progress towards professionalizing the Haitian National Police,

Affirming the link between peace and development, noting that significant international assistance is indispensable for sustainable development in Haiti, and stressing that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security in the country,

Recognizing that the people of Haiti bear the ultimate responsibility for national reconciliation, the maintenance of a secure and stable environment, the administration of justice, and the reconstruction of their country,

1. Affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of Haiti's system of justice;

2. Decides further to paragraph 1 above, and at the request of the President of the Republic of Haiti, to establish the United Nations Transition Mission in Haiti (UNTMIH) with a mandate limited to a single four-month period ending on 30 November 1997 in order to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, as set out in paragraphs 32 to 39 of the Secretary-General's report of 19 July 1997;

3. Further decides that UNTMIH be composed of up to 250 civilian police, and 50 military personnel to form the headquarters of a security element;

4. Decides that the security element of UNTMIH, under the authority of the Force Commander, will ensure the safety and freedom of movement of those United Nations personnel implementing the mandate set out in paragraph 2 above;

5. Further decides that UNTMIH will assume responsibility for all elements and assets of UNSMIH remaining in Haiti to deploy as appropriate until they are withdrawn;

6. Requests all States to provide appropriate support for the actions undertaken by the United Nations and by Member States pursuant to this and other relevant resolutions in order to carry out the provisions of the mandate as set out in paragraph 2 above;

7. Requests the Secretary-General to report to the Security Council on the implementation of this resolution no later than 30 September 1997;

8. Recognizes that economic rehabilitation and reconstruction constitute the major tasks facing the Haitian Government and people and that significant international assistance is indispensable for sustainable development in Haiti, and stresses the commitment of the international community to a long-term programme of support for Haiti;

9. Requests all States to make voluntary contributions to the trust fund established in resolution 975 (1995) for the Haitian National Police, in particular for the recruitment and deployment of police advisers to assist the Inspector General, Directorate General and department headquarters of the Haitian National Police;

10. Further requests the Secretary-General to include in his report to be submitted no later than 30 September 1997 recommendations on the modalities of subsequent peace-building international assistance to Haiti;

11. Decides to remain seized of the matter.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1997/590
28 July 1997

ORIGINAL: ENGLISH

LETTER DATED 28 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a copy of the letter from the President of Georgia, Mr. Eduard Shevardnadze, to the Secretary-General, regarding his recent visit to New York and the perspectives of the comprehensive settlement of the conflict in Abkhazia, Georgia.

I should be most grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Peter CHKHEIDZE
Ambassador
Permanent Representative

97-20458 (E) 280797

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Annex

Letter dated 28 July 1997 from the President of Georgia addressed to the Secretary-General

It is with great pleasure that I recall our recent meeting in New York.

I am pleased to note that the new vision of the ways to settle the conflict in Abkhazia has found understanding in the United Nations and we appreciate your readiness to invigorate the activities of the United Nations in the negotiation process. Due to your efforts, talks were held between the Georgian and Abkhaz sides at Geneva from 23 to 25 July, attended by the representatives of the Organization for Security and Cooperation in Europe and the countries making up the group of the Friends of the Secretary-General on Georgia. This United Nations-sponsored meeting attests to the great importance that the international community attaches to the settlement of the conflict in Abkhazia.

Despite all the efforts, however, the talks were fraught with serious problems. Above all it was the stubborn resistance of the forces that strive to prevent a more active and effective participation of the international community in resolving the conflict. The Abkhaz party regarded the statement made by the representatives of the Friends of Georgia group at the meeting as "insulting to Abkhazia" and as "an attempt to alter the format of the negotiations". Only the painstaking efforts of your special representative for the region, Ambassador Liviu Bota, and the Friends of Georgia group made it possible to avoid failure and allowed the talks to continue and proceed in a more constructive manner.

The failure to recognize that the peace process must not be monopolized by anyone is likely to further protract the resolution of the conflict, affecting thus the progress of the peace talks in the future. It is, therefore, imperative that the Security Council and the international community at large give an adequate assessment to this destructive position.

I firmly believe that the Geneva process should continue and I hope that the next round of negotiations will be held in September under United Nations auspices and with the participation of the Russian Federation, as a facilitator, the Organization for Security and Cooperation in Europe and the Friends of Georgia countries.

(Signed) Eduard SHEVARDNADZE

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S/1997/591
28 July 1997

ORIGINAL: ENGLISH

LETTER DATED 28 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I have the honour to draw your attention to a clear violation of the 1953 Korean Armistice Agreement which occurred on 16 July 1997, involving the incursion of North Korean soldiers into the area south of the military demarcation line in the demilitarized zone.

At 1057 hours on 16 July, 14 North Korean soldiers crossed the military demarcation line near Cheolwon, Kangwondo, about 75 miles north-east of Seoul, and intruded approximately 70 to 100 metres into the zone under the control of the United Nations Command. Republic of Korea guards observed the North Korean soldiers and over loudspeakers broadcast verbal warnings several times. As the North Korean soldiers ignored these warnings and proceeded further southward, Republic of Korea guards fired warning shots. The North Korean troops fired illegal automatic and heavy weapons, damaging a United Nations Command guard post. Gunfire was exchanged between the two sides for nearly 30 minutes, starting at 1110 hours.

Later on the same day, a United Nations Joint Observer Team/Special Investigation Team conducted an investigation at the site of the incident, and determined that the North Korean Army had committed a violation of the Armistice Agreement. Based on the results of this investigation, the United Nations Command delivered a protest of the Military Armistice Commission to the North Korean side. However, the North Korean Army delegation to Panmunjom informed the United Nations Command Military Armistice Commission that it would not accept the protest.

The Government of the Republic of Korea deplores this incident as yet another deliberate violation of the Korean Armistice Agreement by North Korea, which could undermine peace and stability on the Korean peninsula. The recurrence of Armistice Agreement violations by North Korea is all the more deplorable considering Pyongyang's defiance of the calls by the Security Council to fully observe the Armistice Agreement, as contained in the presidential statement of 15 October 1996 (S/PRST/1996/42) which was adopted in response to the incursion of a North Korean submarine into Republic of Korea territory in

September 1996, as well as in the press statement issued by the President of the Security Council on 11 April 1996 following the incursion of heavily armed North Korean troops into the joint security area of the demilitarized zone.

My Government strongly urges the North Korean authorities to refrain from further military provocations and to abide faithfully by the existing Armistice Agreement, until it is replaced by an alternative arrangement of a permanent nature between the direct parties concerned, as stipulated in the Agreement on Reconciliation, Non-Aggression and Exchanges and Cooperation between the South and the North of Korea, which entered into force on 19 February 1992.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) PARK Soo Gil
Permanent Representative

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General Assembly
Security Council

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GENERAL

A/51/952
S/1997/592
29 July 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 39
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-second year

Identical letters dated 28 July 1997 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council

I have the honour to refer to General Assembly resolution 51/195 B of 17 December 1996 on the situation in Afghanistan and to my reports, 16 March (A/51/838-S/1997/240 and Corr.1) and 16 June 1997 (A/51/929-S/1997/482), issued pursuant to that resolution. In those reports, I described both the ongoing conflict among the Afghan parties and the efforts of the United Nations Special Mission and the international community to resolve the conflict.

I remain convinced of the need to intensify the efforts of the United Nations and its Member States to help bring about a peaceful solution. I have, therefore, decided to appoint a Special Envoy, Ambassador Lakhdar Brahimi, to undertake a short-term mission in order to consult interested and relevant countries and parties, as well as the Organization of the Islamic Conference, on their positions and proposals related to peacemaking efforts in Afghanistan. I hope that the Special Envoy will be able to submit his findings and recommendations to me in time for my report on Afghanistan to the General Assembly at its fifty-second session. I would stress that the mandate and activities of the Special Envoy are discrete and to be distinguished from those of the United Nations Special Mission, the mandate of which has been specifically defined by the General Assembly in its resolutions.

I should be grateful if you would convey this information to the members of the General Assembly and of the Security Council.

(Signed) Kofi A. ANNAN

97-20590 (E) 290797

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General Assembly
Security Council

Distr.
GENERAL

A/51/953
S/1997/593
29 July 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda items 109 and 110
RIGHT OF PEOPLES TO SELF-DETERMINATION
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-second year

Letter dated 28 July 1997 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to submit for your information a letter dated 21 July 1997 from the members of the National Assembly of the Kingdom of Cambodia addressed to the Acting Chairman of the National Assembly, Mr. Loy Sim Chheang.

I should be deeply grateful if you would kindly circulate the text of the present letter and its annex as a document of the General Assembly, under agenda items 109 and 110, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

97-20613 (E) 290797

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ANNEX

Summary of a letter dated 21 July 1997 to the Acting Chairman of the National Assembly of the Kingdom of Cambodia

In conformity with items 7, 10, 19 and 58 of the Internal Regulations of the National Assembly, we, the undersigned Members of Parliament request that any meeting of the National Assembly be postponed until such time as the situation in Cambodia returns to normal because, in the present climate of intimidation, Members of Parliament cannot carry out their duties in a spirit of independence and according to their consciences.

(Signed) Son Sobert

(Signed) Ahmed Yahya

(Signed) Prak Chantha

(Signed) Thaong Nouv

(Signed) Chhun Phinop

(Signed) Maogn Sophan

(Signed) Son Chhay

(Signed) Min Saroeun

(Signed) Sam Kanitha

Note:

Item 7. The (12-member) Standing Committee of the National Assembly and the Assembly itself have the same (5-year) term. Therefore the 5 FUNCINPEC and BLDP members of the Standing Committee cannot be replaced before May 1998.

Item 10. The quorum required for the Standing Committee to meet is 7 out of 12 members. Since Son Soubert and Kem Sohka, Ahmed Yahya, Om Rasedy and Kan Man have fled the country following the coup and since Chairman Chea Sim serves as Acting Head of State, only 6 members of the Standing Committee can meet.

Item 19. Only the Standing Committee can convene the National Assembly and set the agenda of its meetings.

Item 58. A group of 10 Members of Parliament can request the postponement of any meeting of the National Assembly.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/594
31 July 1997
ENGLISH
ORIGINAL: ENGLISH, FRENCH AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its relevant resolutions, reaffirming in particular resolution 1096 (1997) of 30 January 1997, and recalling the statement of its President of 8 May 1997,

Having considered the report of the Secretary-General of 18 July 1997 (S/1997/558 and Add.1),

Reiterating its full support for the more active role for the United Nations, with the assistance of the Russian Federation as facilitator, aimed at achieving a comprehensive political settlement,

Acknowledging the efforts in support of the peace process of the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator, as well as the group of Friends of the Secretary-General on Georgia and the Organization for Security and Cooperation in Europe (OSCE) as mentioned in the report,

Welcoming in this context the indication given in the report that prospects for progress in the peace process have improved, noting with deep concern the continued failure by the parties to resolve their differences, and underlining the necessity for the parties to intensify without delay their efforts to achieve an early and comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, which fully respects the sovereignty and territorial integrity of Georgia,

Reaffirming the necessity for the parties strictly to respect human rights, expressing its support for the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement, and noting developments in the work of the United Nations Human Rights Office in Abkhazia, Georgia,

Commending the contribution that the United Nations Observer Mission in Georgia (UNOMIG) and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) have made in stabilizing the situation in the zone of conflict, noting that the cooperation between UNOMIG

and the CIS peacekeeping force is good and has continued to develop, and stressing the importance of continued close cooperation and coordination between them in the performance of their respective mandates,

Deeply concerned at the continuing unstable and tense security conditions in the Gali region, characterized by acts of violence by armed groups, by armed robbery, and other common crime and, most seriously, by the laying of mines, including new types of mines, and deeply concerned also at the resulting lack of safety and security for the local populations, for the refugees and displaced persons returning to the region and for the personnel of UNOMIG and of the CIS peacekeeping force,

Reminding the parties that the ability of the international community to assist them depends on their political will to resolve the conflict through dialogue and mutual accommodation, as well as their full cooperation with UNOMIG and the CIS peacekeeping force, including the fulfilment of their obligations regarding the safety and freedom of movement of international personnel,

Taking note of the decision taken by the Council of Heads of State of the CIS of 28 March 1997 (S/1997/268, annex) to expand the mandate of the CIS peacekeeping force in the conflict zone in Abkhazia, Georgia, and to extend it until 31 July 1997, but noting with concern the uncertainty surrounding its extension beyond that date,

1. Welcomes the report of the Secretary-General of 18 July 1997;

2. Reiterates its deep concern at the continued deadlock in achieving a comprehensive settlement of the conflict in Abkhazia, Georgia;

3. Reaffirms its commitment to the sovereignty and territorial integrity of Georgia, within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles, and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles;

4. Welcomes the efforts of the Secretary-General and his Special Representative aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia within the State of Georgia, respecting fully the sovereignty and territorial integrity of Georgia, and the efforts undertaken by the Russian Federation in its capacity as facilitator, in particular during the last round of talks between the parties held in Moscow in June 1997, to continue to intensify the search for a peaceful settlement of the conflict;

5. Reaffirms its support for the more active role for the United Nations in the peace process, encourages the Secretary-General to continue his efforts to that end, with the assistance of the Russian Federation as facilitator, and with the support of the group of Friends of the Secretary-General on Georgia and the OSCE, and welcomes in this context the holding of a high-level meeting on the conflict in Geneva under the aegis of the United Nations to map out the areas where concrete political progress could be made;

6. Notes the Addendum to the Report of the Secretary-General, supports the intention of the Special Representative of the Secretary-General to resume the adjourned meeting in September, and calls upon in particular the Abkhaz side to engage constructively at this resumed meeting;

7. Stresses that the primary responsibility for reinvigorating the peace process rests upon the parties themselves, calls upon them, to achieve substantive progress without further delay towards a comprehensive political settlement, and further calls upon them to cooperate fully with the efforts undertaken by the Secretary-General and his Special Representative, with the assistance of the Russian Federation as facilitator;

8. Welcomes the continuation of direct dialogue between the parties, calls upon them to intensify the search for a peaceful solution by further expanding their contacts, requests the Secretary-General to make available all appropriate support if so requested by the parties, and recalls the appeal of the Secretary-General to both parties to pursue the discussions on the implementation of the above-mentioned decisions of 28 March 1997 adopted by the Council of Heads of State of the CIS;

9. Recalls the conclusions of the Lisbon summit of the OSCE (S/1997/57, annex) regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict;

10. Reiterates its condemnation of killings, particularly those ethnically motivated, and other ethnically related acts of violence;

11. Reaffirms the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 on voluntary return of refugees and displaced persons (S/1994/397, annex II), condemns the continued obstruction of that return, and stresses the unacceptability of any linkage of the return of refugees and displaced persons with the question of the political status of Abkhazia, Georgia;

12. Reiterates its demand that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions, in particular by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees (UNHCR), and further demands that it guarantee the safety of spontaneous returnees already in the area and regularize their status in cooperation with UNHCR and in accordance with the Quadripartite Agreement, in particular in the Gali region;

13. Calls upon the parties to ensure the full implementation of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

14. Condemns the continued laying of mines, including new types of mines, in the Gali region, which has already caused several deaths and injuries among the civilian population and the peacekeepers and observers of the international community, and calls upon the parties to take all measures in their power to

prevent mine-laying and intensified activities by armed groups and to cooperate fully with UNOMIG and the CIS peacekeeping force in order to honour their commitments to ensure the safety and the freedom of movement of all personnel of the United Nations, the CIS peacekeeping force and international humanitarian organizations;

15. Urges the Secretary-General to continue to take the necessary steps in response to the threat posed by the laying of mines in order to improve security conditions so as to minimize the danger to UNOMIG personnel and to create conditions for the effective performance of its mandate;

16. Decides to extend the mandate of UNOMIG for a new period terminating on 31 January 1998 subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate or in the presence of the CIS peacekeeping force, and welcomes the intention of the Secretary-General, as mentioned in his report, to keep the Council informed of developments in this regard;

17. Reiterates its full support for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia;

18. Welcomes the continued efforts by the United Nations agencies and humanitarian organizations to address the urgent needs of those suffering most from the consequences of the conflict in Abkhazia, Georgia, in particular internally displaced persons, encourages further contributions to that end, and reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Moscow Agreement and/or for humanitarian aspects including demining, as specified by donors;

19. Requests the Secretary-General to consider the means of providing technical and financial assistance aimed at the reconstruction of the economy of Abkhazia, Georgia, following the successful outcome of the political negotiations;

20. Requests the Secretary-General to continue to keep the Council regularly informed, to report after three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia, including on the operations of UNOMIG, and to provide recommendations in that report on the nature of the United Nations presence, and, in this context, expresses its intention to conduct a thorough review of the operation at the end of its current mandate;

21. Decides to remain actively seized of the matter.

UNITED NATIONS **S**

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30 July 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 30 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with reference to the allegations made in the letter dated 18 July 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations (S/1997/562), I wish to inform you of the facts of the incident that occurred on 6 July 1997:

1. At 5 a.m. on 6 July 1997, the Kuwaiti border police in charge of protecting the oil well tower between boundary pillars 91 and 92 fired at a 24-year-old Iraqi farmer named Hazim Abd al-Husein Mahan, a resident of the village of al-Kharda in the Safwan district, killing him in the Iraqi part of the demilitarized zone. The Iraqi side did not open fire on the Kuwaiti border policemen.

2. The competent Iraqi authorities informed UNIKOM and made a protest about the incident. UNIKOM conducted an inquiry, questioning the local inhabitants about the details of the incident, taking a sample of the victim's blood from the ground, inspecting the scene of the incident and photographing the traces of the bullets fired by the Kuwaiti border policemen which were found on the buildings.

Iraq holds Kuwait fully responsible for this incident and for the damage caused.

We wish to take this opportunity to reaffirm Iraq's commitment to the rules of the demilitarized zone and its serious efforts to ensure the prevalence in the zone of security and stability. We point out that it is the Kuwaiti side that provokes these incidents and attacks Iraqi citizens in order to exacerbate the situation in the demilitarized zone.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-20712 (E) 310797 310797

UNITED
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31 July 1997

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LETTER DATED 28 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Unified Command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command concerning the status of the Korean Armistice mechanism and the activities of the United Nations Command Military Armistice Commission (see annex). It updates the last report submitted to the Security Council on 13 May 1996 (S/1996/351 and Corr.1, annex).

I request that the present letter, together with the enclosed report of the United Nations Command, be circulated as a document of the Security Council.

(Signed) Bill RICHARDSON

97-20791 (E) 010897

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Annex

Report of the activities of the United Nations Command for 1996

I. UNITED NATIONS COMMAND AND ITS MISSION

1. Security Council resolution 82 (1950) of 25 June 1950 determined that the armed attack on the Republic of Korea (ROK) by forces of the Democratic People's Republic of Korea (DPRK) constituted a breach of the peace and called for an immediate cessation of hostilities. It also called upon the authorities of the DPRK to recall forthwith their armed forces to North Korea. In its resolution 83 (1950) of 27 June 1950, the Security Council, having noted that the authorities of the DPRK had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the ROK as would be necessary to repel the armed attack and to restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize the Security Council to take such action as may be necessary to maintain or restore international peace and security, including the conduct of military operations by air, sea or land forces of the Member States. Based on this authority, in its resolution 84 (1950) of 7 July 1950, the Security Council recommended that all Member States make military forces and other assistance available to a unified command; requested the United States to designate a commander for the unified command; and directed the unified command to provide it with reports, as appropriate, on the course of action taken under the unified command.

(a) While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1996 and attempts to convey objectively the impact of those events on the efforts of the United Nations Command (UNC) in maintaining the Korean Armistice Agreement;

(b) The authority granted the UNC by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief, United Nations Command (CINCUNC), signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating member States of the United Nations and those of the ROK, which had also fought under the flag of the United Nations. That Armistice Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and to ensure a complete cessation of hostilities. It created a 4-kilometre-wide Demilitarized Zone (DMZ), which ran 151 miles across the entire width of the Korean Peninsula between the combatants. The DMZ, in turn, was further divided 2 kilometres in from each side by a Military Demarcation Line (MDL). Either side was permitted access to its 2-kilometre portion of the DMZ but was expressly prohibited from crossing the MDL;

(c) The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. In its resolution 811 (IX) of 11 December 1954, the General Assembly noted paragraph 62

of the Armistice Agreement, which provides that the Agreement shall remain in effect until expressly supersede either by mutually acceptable amendments and additions, or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides. The Assembly also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent and democratic Korea, and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC successors in command are responsible for compliance with, and enforcement of, the terms and provisions of the Armistice Agreement;

(d) Today, the UNC continues to carry out its functions and to fulfil its obligations under the mandate of the Armistice Agreement and will continue that mission until a durable peace is achieved through political dialogue by the parties directly concerned with the Korean conflict. Of the original 16 Member States of the United Nations that provided military forces to the UNC during the Korean War, 9 nations are represented today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Armistice Agreement is the only legal regime for maintaining the ceasefire between the opposing military forces in Korea and affects the actions of both sides in the conflict. It must be preserved until a more durable peace is achieved. The provisions of the Armistice Agreement are military in character and pertain solely to the belligerents in Korea. CINCUNC signed the Armistice Agreement on behalf of all military forces under the unified command and the Supreme Commander of the Korean People's Army (KPA) and the Commander of the Chinese People's Volunteers (CPV) signed the agreement on behalf of the communist forces. It is the responsibility of the opposing military commanders to enforce the ceasefire by all forces in Korea and to establish "measures and procedures" to ensure compliance. In that connection, the opposing military commanders must maintain effective communications in order to preclude possible incidents and to de-escalate the situation in the event incidents occur.

A. Military Armistice Commission

3. The Military Armistice Commission (MAC) was established by the Armistice Agreement to supervise the implementation of the Agreement and to settle through negotiations any violations of it. The MAC was created as a joint organization without a chairman, composed of 10 military Members: 5 senior officers from the UNC and 5 senior officers from the KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, CINCUNC appoints five senior officers, historically drawn from the ROK, the United States, the United Kingdom and other United Nations Member States still represented in the UNC. MAC meetings may be held at the request of either side in the Joint Security Area (JSA), more commonly known as Panmunjom, in the Korean DMZ. On 28 April 1994, however, the KPA MAC Secretary announced that the KPA would cease participation in all MAC activities.

(a) The Armistice Agreement of 1953 empowered each side to appoint a Secretary, an Assistant Secretary and other special assistants as required to perform functions in support of the MAC. Under the Armistice Agreement, UNC and KPA/CPV MAC Secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between both sides;

(b) The Joint Duty Office under the MAC Secretariat, located in the JSA, maintains 24-hour telephone communications between both sides. Until April 1994, the Joint Duty Officers normally also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to the UNC that stated that the KPA had decided to recall all remaining KPA MAC members and MAC staff personnel, to cease participation in MAC activities and no longer to recognize the UNCMAC as a counterpart. Further, the KPA announced its intention to withdraw all support for the Polish delegation to the Neutral Nations Supervisory Commission (NNSC) and its intention to send a "new team" appointed by its Supreme Commander to make contact with the "US military" to discuss pending military issues, including a new "durable peace-ensuring system" to replace the MAC;

(c) On 1 September 1994, the Foreign Ministry of China announced in Beijing that it had decided to recall its delegation to the MAC at Panmunjom. This followed the example set earlier in 1994 by the KPA when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing. This decision by the KPA/CPV to abandon the provisions of the MAC could lead to an increase in minor incidents with the potential to escalate into a more serious situation;

(d) The UNC has continued to attempt to present credentials for personnel newly assigned to the UNCMAC. However, since the KPA's announced withdrawal from the MAC in April 1994, it has refused to accept any credentials from the UNC. During 1996, the KPA refused to accept credentials on three separate occasions;

(e) The MAC is authorized by paragraph 27 of the Armistice Agreement to dispatch joint UNC-KPA/CPV observer teams to investigate reported violations of the Armistice Agreement occurring within the DMZ. The KPA have, however, frustrated this important investigative function by continuously refusing to participate in the investigations proposed by the UNC. They have failed to participate in joint investigations of more than 170 serious incidents in the DMZ since April 1967. However, the UNC continues to dispatch its observer teams into the UNC portion of the DMZ to ensure UNC forces are in compliance with the Armistice Agreement and is prepared to conduct unilateral investigations of alleged armistice violations reported to have occurred in the DMZ. UNC liaison officers from the United Nations Member States still represented in the UNC, namely, Australia, Canada, Colombia, France, the Philippines, Thailand, the United Kingdom - which, in Korea, also represents New Zealand - and the United States participate together with officers from the ROK Advisory Group in these UNC Special Investigative Team (SIT) activities in the DMZ. In 1996, despite numerous reports from the Korean Central News Agency (KCNA) to the contrary, the DMZ has remained relatively quiet. Notwithstanding, the UNC dispatched its joint observer teams to UNC guard posts within or along the DMZ on 92 occasions

in 1996 to ensure continued compliance with provisions of the Armistice Agreement pertaining to the DMZ. In addition, the UNC dispatched eight separate SITs to determine the facts associated with alleged violations of the Armistice;

(f) Formal plenary sessions of the MAC have not been held since the 459th MAC meeting, on 13 February 1991. Nevertheless, the UNC and the KPA have continued to meet in Panmunjom on an informal basis and the telephone link in Panmunjom between the UNC Joint Duty Office and the KPA Panmunjom Mission is still used as an important communications link between the two sides. However, since 3 October 1995, when the KPA representatives at Panmunjom refused to accept a UNC Joint Duty Office message concerning the illegal crossing of the MDL by two civilians without prior coordination, the KPA have refused to accept any messages containing reference to a violation of the Armistice Agreement;

(g) In 1996, there were a total of 44 meetings between the two sides in Panmunjom. Although the KPA has refused to recognize the UNC formally as its dialogue partner, it has continued to engage officers of the UNCMAC secretariat in a series of discussions on the resumption of general officer dialogue in Panmunjom. Both sides recognize the value in the resumption of dialogue at the general officer level in the interest of preventing conflict on the peninsula. The UNC will continue to pursue this dialogue venue for engaging the KPA on Armistice-related issues.

B. UNCMAC Senior Member

4. In accordance with paragraph 20 of the Korean Armistice Agreement, CINCUNC appointed Major-General Cha Ki Mun (subsequently promoted to Lieutenant-General), ROK Army, as the UNCMAC Senior Member (spokesman), effective 31 July 1996. The KPA, however, has repeatedly refused to meet with the Senior Member of the UNC component of the MAC, saying that the South Korean Army was neither a signatory to the Armistice Agreement, nor a Member of the UNC and could not represent the whole armed forces now in South Korea.

(a) This North Korean argument is, however, flawed. CINCUNC signed the Armistice Agreement as Commander of all UNC forces from 16 United Nations Member States and the ROK. Neither individual nations nor their military forces are signatories to the Armistice Agreement. During the Armistice negotiations and subsequent to the signing of the Agreement, the KPA/CPV specifically requested that the ROK furnish assurances that its forces would abide by the terms of the Agreement, saying that the Korean Armistice would not work unless the ROK abided by the Agreement. The UNC relayed such assurances to the KPA/CPV;

(b) Today, the ROK provides "DMZ police" throughout the entire UNC (southern) portion of the DMZ to maintain the Armistice. In addition, ROK senior military officers have regularly served as MAC Members for the past 43 years. The Armistice Agreement addresses MAC membership neither by nationality nor by United Nations affiliation, nor does it give guidelines for designating a Senior Member. Each side has discretionary authority to appoint its Members and such appointments are not subject to approval by the other side. Further, the appointment of a ROK general officer as the UNCMAC Senior Member does not transfer CINCUNC's Armistice maintenance responsibilities to either the

Government of the Republic of Korea or its armed forces. In addition, as the UNC signatory to the Armistice Agreement, CINCUNC is ultimately responsible for ensuring all UNC forces comply with its provisions;

(c) Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, effective 19 February 1992, stipulates:

> "The two sides (North and South Korea) shall endeavour together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized."

Thus, the Armistice Agreement between the military commanders remains the only legal regime until it is replaced by a more durable peace between the ROK and DPRK. The Supreme Commander of the KPA has an obligation to respect the terms of the agreement signed in 1953, to recognize the UNC Senior Member, to send representatives to plenary MAC meetings to discuss Armistice-related issues and to help promote peace and stability on the Korean Peninsula. The joint UNC-KPA/CPV MAC is an integral part of the Korean Armistice Agreement.

C. Neutral Nations Supervisory Commission

5. The Neutral Nations Supervisory Commission (NNSC) was established in accordance with paragraph 37 of the Armistice Agreement and was originally composed of four senior officers, two appointed by "neutral nations" nominated by the CINCUNC, namely, Sweden and Switzerland, and two appointed by "neutral nations" nominated by the Supreme Commander of the KPA and the Commander of the CPV, namely, Poland and Czechoslovakia. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean conflict. The primary function of the NNSC is to conduct independent inspections and investigations of violations of the Armistice Agreement outside the DMZ and to report its findings to the MAC.

(a) The KPA/CPV reluctantly agreed to an inspection system proposed by the UNC. They have, however, undermined the NNSC function since the signing of the Armistice Agreement by shipping into North Korea reinforcing modern weapons and equipment, completely bypassing the designated ports of entry, in violation of paragraph 13 (d) of the Armistice Agreement;

(b) Since March 1991, the KPA has not only suspended MAC plenary sessions and MAC Senior Member-level communications, but has also suspended its reports to the MAC and NNSC on paragraphs 13 (c) and (d) of the Armistice Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel;

(c) On 10 April 1993, the DPRK forced the Czech delegation to the NNSC to withdraw from the north following the split of Czechoslovakia into two separate States in January 1993. Further the KPA pressured the Polish NNSC delegation to

initiate withdrawal, terminated protocol contacts and harassed the delegation to make their life difficult;

(d) In November 1994, the DPRK officially informed the Ministry of Foreign Affairs of Poland that Poland's nomination as a Member of the NNSC had been terminated. Despite formal protests from the NNSC in which the Members unanimously declared the measures announced by the KPA a blatant violation of the Armistice Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community, the Polish delegation was forced to evacuate their camp at Panmunjom on 28 February 1995. On 3 May 1995, the KPA closed the NNSC buildings controlled by the KPA on Conference Row and announced restrictions on the free movement of the remaining NNSC members and UNCMAC personnel across the MDL into the northern part of the neutral JSA;

(e) Throughout 1996, the NNSC - now represented by only two neutral nations in residence, Sweden and Switzerland - held weekly meetings in the JSA at Panmunjom to review and evaluate reports provided by the UNC regarding the number of arriving and departing military personnel. The Polish Member returned to Panmunjom periodically from Warsaw, meeting with the Swiss and Swedish Members on 30 January, 29 April, 6 and 7 May and 1 and 2 October 1996;

(f) Although DPRK restrictions have severely curtailed the ability of the NNSC to carry out its mission, the NNSC remains an important part of the Armistice Agreement. The KPA seeks to end the NNSC arrangement as well as the MAC and is thus undermining the basic foundation of the Armistice architecture. These North Korean attempts, contrary to the letter and spirit of the Armistice Agreement, must be opposed by the international community in order to preserve and maintain the existing Armistice until it is replaced by a more durable peace. The UNC has continued to call upon the KPA to nominate a successor for Czechoslovakia and to restore support to the Polish Member so that the NNSC may continue to function. The KPA has not responded. Although NNSC activities have been curtailed over the years, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. The UNC believes, therefore, that the NNSC continues to be an integral part of the Korean Armistice and will keep the Security Council informed of further developments on this issue in future reports.

D. UNC remains issue

6. Paragraph 20 of the Understanding on the Return of Korean War Remains, agreed upon in 1954, stipulates that:

> "In the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this Understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission."

Since 1954, the KPA has refused to accept any Armistice-related responsibility for returning remains and has consistently rejected any UNC request for more information concerning those still missing from the war. Since the late 1980s,

the KPA has demonstrated a willingness to cooperate with representatives of the US Government in the repatriation of remains from the war.

(a) The KPA began unilaterally recovering and repatriating UNC Korean War remains to the UNC in 1990. Between 20 May 1990 and 13 September 1994, the KPA returned a total of 208 sets of what it claimed were UNC Korean War remains. These remains were sent to the US Army Central Identification Laboratory, Hawaii (CILHI), for positive identification. Owing to the lack of complete documentation on excavation data and co-mingling of remains, the identification process proved extremely difficult. Accordingly, on 7 October 1994, the UNC asked the KPA to suspend further unilateral recovery operations until an agreement could be reached on conducting joint recoveries in North Korea. Although CILHI has determined that all of the remains returned to UNC control are human remains, it has been able to make positive identification of only 7 of 208 sets of the unilaterally recovered remains. One additional set of unilaterally recovered remains, which are believed to be those of a British soldier, was returned on 30 October 1995;

(b) In 1996, the KPA and the US Government reached an agreement on the Korean War remains issue. First, the US Government agreed to compensate the KPA for costs associated with the recovery of remains that were returned between 1990 and 1994. In turn, the KPA agreed to allow a team from CILHI to participate in two joint recovery operations north of the MDL. The first joint recovery operation resulted in the discovery of one US soldier, whose remains were returned under UNC honours in Panmunjom on 29 July 1996 and positively identified by CILHI in September 1996. The UNC remains committed to a full accounting of all those still unaccounted for from the war.

E. Armistice compliance

7. Throughout 1996, the UNC deployed UNCMAC Special Investigative Teams (SIT) into the DMZ to monitor Armistice compliance and to investigate charges of violation of the Armistice Agreement for CINCUNC inside or along the 151-mile southern boundary of the DMZ. Many of these missions were to investigate violations of the Armistice Agreement. The KPA, on the other hand, took additional measures to neutralize the Armistice Agreement further as an effective mechanism for preventing conflict on the Peninsula and refused to acknowledge its responsibility to abide by all its provisions.

(a) On 15 February 1996, the KPA violated the Armistice Agreement when six KPA soldiers entered the JSA, approximately 200 metres north of the MDL, carrying automatic weapons and anti-tank rocket-grenade launchers. The soldiers remained in the JSA for approximately 15 minutes. When the UNC attempted to make contact with the KPA and protest at this activity, the KPA refused to accept the message;

(b) On 4 April 1996, the KPA announced that it would no longer accept responsibility for the maintenance and administration of the DMZ and the MDL. Following the announcement, the KPA guard force in the JSA removed the distinctive insignia specified in the Armistice Agreement and the Subsequent Agreement on the MAC Headquarters Area. Based on subsequent observation, KPA

personnel and vehicles have continued to operate throughout the northern sector of the DMZ without displaying the appropriate distinctive insignia;

(c) In the evening hours on 5, 6 and 7 April 1996, the KPA guard force in the JSA was reinforced with a large number of additional soldiers. An UNCMAC SIT determined that in each case there were over 200 additional soldiers armed with assault rifles, heavy and medium machine-guns, rocket-grenade launchers and recoilless rifles introduced into the JSA. The additional soldiers remained in the area for several hours each evening and prepared defensive positions in the northern sector of the JSA. The KPA refused to accept any telephonic messages or meetings with the representatives from the UNCMAC to discuss or protest these actions;

(d) On 11 April 1996, the KPA again violated the Armistice Agreement when seven armed KPA soldiers crossed the MDL in the vicinity of MDL marker 0735. The soldiers proceeded approximately 300 metres south of the MDL and remained in the area for 45 minutes. At 2130 on 11 April 1996, 10 KPA soldiers were again detected south of the MDL in the same general vicinity. Splitting into two separate groups, the soldiers occupied separate hills 200 and 300 metres south of the MDL until 0230. Both groups left the area without incident. The KPA refused to accept a UNC telephone message protesting against these violations;

(e) On 17 May 1996, seven armed KPA soldiers crossed the MDL in the vicinity of marker 0473 and proceeded approximately 60 to 80 metres into the southern portion of the DMZ. Despite three separate warnings broadcast over loudspeakers that they had crossed the MDL, the KPA soldiers failed to return. When the UNC civil police fired warning shots in a direction away from the KPA soldiers, the KPA soldiers returned to the northern portion of the DMZ;

(f) On 18 September 1996, a KPA submarine was found stranded on the shore in the vicinity of Kangnung, Republic of Korea. Although the KPA claimed that the submarine had drifted south of the MDL after developing engine trouble, an UNCMAC SIT determined that the submarine with a crew of 26 personnel had violated paragraphs 12 and 15 of the Armistice Agreement by purposely infiltrating south of the MDL. After running aground, the crew further violated paragraph 14 of the Armistice Agreement by coming ashore in the area under the control of the UNC. The UNC made three separate attempts to protest at this infiltration to the KPA in Panmunjom. However, the KPA refused to accept the protests. After an extensive search conducted primarily by members of the ROK armed forces, 24 infiltrators were killed, one was captured and one remains unaccounted for. The remains of the 24 crew members killed in the incident were repatriated through Panmunjom by the UNCMAC on 30 December 1996;

(g) On 13 October 1996, KPA soldiers from a guard post located in the vicinity of MDL marker 1283 fired a recoilless rifle located in the DMZ north of the MDL across the MDL. The round from the recoilless rifle impacted and exploded near a UNC guard post. In the evening of the same day, a KPA soldier defected to the South through the DMZ in the same area. An UNCMAC SIT determined that although the shooting incident did represent a violation of the Armistice Agreement, it was most likely in response to the actions taken by the defector. There was no damage to property or injuries to personnel as a result of the incident.

F. Repatriation ceremonies in Panmunjom

8. There were several repatriation ceremonies conducted in Panmunjom throughout the year. The repatriation of military personnel was accomplished by the UNCMAC secretariat and the UNC honour guard. The repatriation of civilians was accomplished by the South Korean and North Korean Red Cross and facilitated by the UNCMAC secretariat.

(a) On 5 March 1996, the South Korean Red Cross repatriated two civilians and the remains of two others to the North. The four individuals were part of the crew of a North Korean merchant ship that had sunk in the Sea of Japan (East Sea);

(b) On 29 May 1996, the UNC repatriated the remains of one KPA soldier. The soldier was discovered on the south bank of the Hantan River and was believed to be a flood victim;

(c) On 29 July 1996, the UNC repatriated one KPA soldier. The soldier had been swept south of the MDL by flood waters in the Imjin River. After receiving medical care in the South, the soldier requested to be repatriated to the North. Immediately after the repatriation of this soldier, the KPA also repatriated the remains of one Korean War era serviceman recovered by the first US-DPRK joint remains recovery operation;

(d) On 7 August 1996, the UNC repatriated the remains of two KPA soldiers. Both soldiers were drowning victims and were discovered on the southern bank of the Soyang and Imjin River. The South Korean Red Cross also returned the remains of two civilian flood victims;

(e) On 12 August 1996, the North Korean Red Cross repatriated the remains of one South Korean civilian who was believed to be a drowning victim;

(f) On 26 November 1996, the UNC repatriated one KPA soldier who drifted into ROK territorial waters when the boat he was in broke loose from its mooring. Upon being rescued, the soldier requested to be repatriated to the North;

(g) On 30 December 1996, the UNC repatriated the remains of the 24 crew members from the submarine that had infiltrated ROK territorial waters on 18 September 1996. The UNC conducted the repatriation ceremony in response to a request by the Government of the Republic of Korea.

III. SOUTH-NORTH RELATIONS

9. While the UNC is not directly involved in the South-North dialogue or negotiations, it has provided administrative assistance and security for these talks and other contacts held in the JSA, Panmunjom. The simultaneous entry of the ROK and DPRK into the United Nations in September 1991 affected neither the status nor the role of the UNC. The UNC continues to perform an important peace-enforcement role in Korea, in particular in maintaining the Armistice until an effective and enduring peace is attained through political dialogue.

IV. CONCLUSIONS

10. The maintenance of timely and effective communications between the commanders of the opposing military forces is vital to preclude possible incidents and to defuse the situation in the event incidents occur, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement - the UNC, KPA and CPV - have played a role in this vital activity for more than 43 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the Armistice mechanism - the MAC, which is an integral part of the Armistice. The UNC will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to South-North dialogue and the ultimate goal of a durable peace on the Korean Peninsula.

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31 July 1997

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LETTER DATED 31 JULY 1997 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 28 July 1997 (A/51/952-S/1997/592) regarding your decision to appoint Ambassador Lakhdar Brahimi as Special Envoy of the Secretary-General to undertake a short-term mission in order to consult interested and relevant countries and parties, as well as the Organization of Islamic Conference, on their positions and proposals related to peacemaking efforts in Afghanistan, has been brought to the attention of the members of the Security Council. They welcome the decision contained in your letter.

The members of the Security Council express their full support for the Special Envoy in the fulfilment of his mission.

The members of the Security Council look forward to being kept closely informed of the work of the Special Envoy.

(Signed) Peter OSVALD
President of the Security Council

97-20785 (E) 310797

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Security Council

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S/1997/598
31 July 1997

ORIGINAL: ENGLISH

LETTER DATED 28 JULY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit copies of two notes verbales with attachments, dated 3 July 1997, from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan to be forwarded to the United States Department of State, on the violation of the territory of the Islamic Republic of Iran by the forces of the United States in the Persian Gulf region.

It would be highly appreciated if this letter were circulated as a document of the Security Council.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

97-20803 (E) 010897

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Annex I

Note verbale dated 3 July 1997 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to quote the attached message in two copies, the original text and an unofficial translation, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the original text be transmitted to the United States Department of State and our office be informed of their response.

Enclosure

According to information received from officials of the Government of the Islamic Republic of Iran, on 17 April 1997 at 0830 hours a United States warship routing 180 degrees of real north and in the vicinity of Soroush oil platform fired shots from a four-mile distance towards two Iranian motor boats whose positions were N2907 and E4936, routing 250 degrees of real north towards the said platform. The warship fired a total of eight rounds of semi-heavy shot (three of which were aerial and five surface) towards the boats. The Iranian boats changed their course towards Khark Island in order to prevent any probable accident.

The Government of the Islamic Republic of Iran strongly protests these illegal measures by the United States warship, especially in the continental shelf of the Islamic Republic of Iran, and insistently calls for an end to these unjustifiable actions.

Annex II

Note verbale dated 3 July 1997 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to quote the attached message in two copies, the original text and an unofficial translation, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the original text be transmitted to the United States Department of State and our office be informed of their response.

Enclosure

According to information received from officials of the Government of the Islamic Republic of Iran, on 26 February 1997 at 0500 hours a United States warship warned an Iranian boat which was moving at the distance of 18 miles from Bandar-e-Gonaveh and 80 miles from Bahregan. From the said warship, a United States helicopter flew over the boat and caused it to fill with water. In order to prevent sinking the boat changed its course towards the coast. In this condition the United States helicopter followed the boat to a distance of 16 miles from shore.

The Government of the Islamic Republic of Iran strongly protests these measures by the United States warship and helicopter and insistently calls for an end to these unjustifiable actions.

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31 July 1997

ORIGINAL: ENGLISH

LETTER DATED 30 JULY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government and with reference to letters dated 17 October and 18 December 1996 from the Permanent Representative of Iraq to the United Nations, contained respectively in Security Council documents S/1996/861 and S/1996/1061, concerning the report of alleged instances of violations by Iranian armed forces of the terms of the ceasefire between the two countries, I have the honour to draw attention to the redundancy of reporting by Iraq of the same case, and to their general unreliability and falsification, as follows:

1. Items 8 and 9 in S/1996/861 report an incident involving 11 Iraqi launches and Iranian patrol boats at 1830 hours on 29 September 1996, allegedly between Mina al-Bakr and Mina al-Amiq. The same incident is reported again by Iraq two months later in item 5 of S/1996/1061. However, the timing of the incident and the place where the incident had allegedly taken place are slightly changed in the redundant version, namely, to 1500 hours and Khawr al-Amayah harbour.

The factual circumstances surrounding the incident above are that it did not take place between Mina al-Bakr and Mina al-Amiq as Iraq first claimed in S/1996/861, neither did it take place in Khawr al-Amayah as claimed by Iraq later in S/1996/1061. The incident actually took place in Khour Musa canal inside the territorial waters of the Islamic Republic of Iran. Following the investigation and legal proceeding against the crews of the Iraqi boats seized in Iranian territorial waters, the boats which were found to be engaged in fishing were released, and the proceeding against the two boats in question is in progress.

2. In item 2 of S/1996/861, the Iraqi authorities attempt to implicate Iranians in a case where the crew of the United Arab Emirates tug Ocean Express was robbed. In item 4 of the same document, Iraqi authorities allege that two masked men shot and wounded a member of the crew of the tug Eagle and fled to the Iranian side.

Irrefutable evidence and documents, including the testimonies of the crews and captains of both Ocean Express and Eagle, which prove beyond doubt that the

assailants in both cases were Iraqis, are available at the Central Headquarters of the Coast Guard of the Islamic Republic of Iran.

3. Other items in the two documents mentioned above represent mere allegations by the Iraqi authorities against the Islamic Republic of Iran and, as in the foregoing cases whose fabrication was set forth above, are categorically rejected as unfounded and baseless.

It would be appreciated if this letter were circulated as a document of the Security Council.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

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31 July 1997

ORIGINAL: ENGLISH

LETTER DATED 31 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF BRAZIL TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter from Ambassador Luiz Felipe Lampreia, Minister of External Relations of Brazil, addressed to you in your capacity as President of the Security Council for the month of July, concerning recent developments in Angola.

I should be grateful if you would circulate this letter as a document of the Security Council.

(Signed) Celso L. N. AMORIM
Permanent Representative of Brazil
to the United Nations

97-20820 (E) 310797

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Annex

Letter dated 28 July 1997 from the Minister of External Relations of Brazil addressed to the President of the Security Council

The Brazilian Government would like to convey through you to the United Nations Security Council its serious concern over developments having taken place in the last few months in Angola, which threaten the integral implementation of the Lusaka Protocol. The Brazilian Government reiterates its full support for the resolutions of the Security Council on the matter, in particular resolutions 864 (1993) of 15 September 1993 and 1118 (1997) of 30 June 1997. The Brazilian Government lends its support as well to the statement by the President of the Security Council on the situation in Angola, adopted on 23 July 1997, which calls upon UNITA to take "irreversible and concrete steps immediately to fulfil its obligations under the Lusaka Protocol", or risk the consideration of the imposition of measures, among them those specifically mentioned in paragraph 26 of resolution 864 (1993).

The Brazilian Government remains deeply attached to the Angolan people and maintains its commitment to re-establish and consolidate peace in that sister nation in Africa.

(Signed) Luiz Felipe LAMPREIA

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31 July 1997

ORIGINAL: ENGLISH

LETTER DATED 31 JULY 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached letter, dated 30 July 1997, which I have received from the Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations (see annex). Attached to the letter is the tenth biweekly report on the multinational protection force for Albania requested by the Security Council in its resolutions 1101 (1997) of 28 March and 1114 (1997) of 19 June 1997.

I should appreciate your bringing the present letter and its annex to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-20837 (E) 010897

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Annex

Letter dated 30 July 1997 from the Chargé d'affaires a.i.
of the Permanent Mission of Italy to the United Nations
addressed to the Secretary-General

I have the honour to submit the tenth report on the multinational protection force for Albania (see appendix). The report is submitted pursuant to the requirement set out in paragraph 9 of Security Council resolution 1114 (1997) of 19 June 1997, in which the Council requested the Member States participating in the multinational protection force to provide reports, at least every two weeks, through the Secretary-General, to the Council. The ninth such report was conveyed to you on 16 July 1997 (see S/1997/551).

I should be grateful if you could have the text of the present letter and the tenth report circulated as a document of the Security Council.

(Signed) Giulio TERZI
Chargé d'affaires a.i.

Appendix

Tenth report to the Security Council on the operation of the multinational protection force in Albania

I. INTRODUCTION

1. On 28 March 1997, the Security Council adopted resolution 1101 (1997), in paragraph 2 of which it welcomed the offer made by certain Member States to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance and to help create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance.

2. On 19 June 1997, the Security Council adopted resolution 1114 (1997), in paragraph 2 of which it welcomed the readiness of the countries contributing to the multinational protection force to maintain their military contingents in Albania for a limited time. In paragraph 3 of the resolution the Council welcomed the intention of the countries contributing to the force to continue to facilitate the safe and prompt delivery of humanitarian assistance and to help create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance. It also took note of all the elements contained in the sixth report on the operation of the multinational protection force in Albania (see S/1997/460), concerning, inter alia, the electoral monitoring mission of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE). It decided that the operation would be limited to a period of 45 days from 28 June 1997.

3. In both resolutions, the Security Council requested the Member States participating in the multinational protection force to provide periodic reports to the Council through the Secretary-General, at least every two weeks. The first nine reports on the operation of the force were provided on 9 and 25 April, 9 and 23 May, 6, 13 and 26 June and 2 and 16 July 1997.

4. This is the tenth such report to the Security Council on the operation of the multinational protection force in Albania and the fourth report submitted to the Council pursuant to paragraph 9 of resolution 1114 (1997). The present report refers to the events up to 30 July and in particular to the activity of the force in the third phase of the operation, which entails the withdrawal from the area at the end of the mission, whose duration was limited by the Security Council in its resolution 1114 (1997) until 12 August 1997.

II. MULTINATIONAL PROTECTION FORCE

A. Political guidance

5. The Steering Committee, consisting of the political directors of the 11 troop-contributing countries and the Commander of the operation, continues to follow the overall situation on the ground and to ensure the full compliance of

the activities of the force with the Security Council mandate. It held meetings on 4, 9, 14, 23 and 30 April, 6, 13, 14 and 22 May, 4, 10, 20, 25 and 29 June and 2, 15, 23 and 30 July.

6. Representatives of the following international organizations attended the meetings of the Steering Committee as observers, as appropriate: United Nations, OSCE, European Union (EU), Western European Union (WEU) and International Committee of the Red Cross (ICRC).

B. Cooperation with Albanian authorities and with international organizations

7. The Ambassador of Albania to Italy attended the Steering Committee meeting on 23 July and provided information concerning the political situation in Albania after the elections.

8. The force has helped to create a secure environment during the electoral process, in particular for the OSCE/ODIHR missions, within the framework of the Security Council mandate.

9. The force facilitated the safe and prompt delivery of humanitarian assistance, which resumed after the elections, and helped create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance, in accordance with the mandate defined in resolution 1114 (1997).

10. On 30 July, the new Albanian Prime Minister, Mr. Fatos Nano, paid a visit to Italy together with Deputy Prime Minister Bashkim Fino, Minister of State Kastriot Islami, Foreign Minister Paskal Milo, Interior Minister Neritan Ceka, Defence Minister Sabit Brokaj, Finance Minister Arben Malaj and Minister of Justice Thimjo Kondi. They had meetings in Rome with Prime Minister Romano Prodi and their counterparts in the Government of Italy.

11. A second international meeting on Albania has been convened in Rome for 31 July 1997 under the chairmanship of the Italian Minister for Foreign Affairs, Mr. Lamberto Dini. All the force-contributing countries and Finland, Germany, Ireland, Japan, Luxembourg, the Netherlands, the Russian Federation, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America have been invited to attend the meeting. The following international organizations have also been invited: the United Nations and related agencies, EU, OSCE, Council of Europe, WEU, North Atlantic Treaty Organization (NATO), International Monetary Fund (IMF), World Bank, European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB) and ICRC. Albania will be represented by the Prime Minister and the above-mentioned members of the Cabinet.

C. Force deployment

12. At the conclusion of the electoral process the force started reducing its deployment, although continuing, as appropriate, its reconnaissance, patrolling and escort missions.

13. The operational plan for the withdrawal of the force provides for the following:

Date	Action
19 July	Romanian contingent completed its withdrawal.
23 July	Spanish continent completed its withdrawal.
24 July	Belgian contingent completed its withdrawal.
25 July	Slovenian contingent completed its withdrawal.
26 July	Austrian contingent completed its withdrawal.
27 July	Danish contingent completed its withdrawal.
1 August	Greek contingent will complete its withdrawal.
	Turkish contingent will complete its withdrawal.
3 August	French contingent will complete its withdrawal.
4 August	Portuguese aircraft will stop providing flights.
11 August	Italian contingent will complete its withdrawal.
	Force headquarters in Tirana will close.

IV. CONCLUSIONS

14. The force has been an essential component of the response by the international community to the Albanian crisis. As the force carried out its mandate, a considerable amount of humanitarian assistance reached the Albanian population, elections took place and a newly elected Government was formed. However, the deep-rooted problems of the country will still need action by the international community. The experience acquired by the force will help in identifying possible measures to be taken.

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31 July 1997

ORIGINAL: ENGLISH

LETTER DATED 31 JULY 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 11 July 1997, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-20826 (E) 310797

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Annex

Letter dated 11 July 1997 from the Secretary-General of the North Atlantic Treaty Organization (NATO) addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the sixth monthly report on Stabilization Force (SFOR) operations. I would appreciate your making this report available to the Security Council.

(Signed) Javier SOLANA

Appendix

Monthly report to the United Nations Security Council on SFOR operations

SFOR operations

1. Approximately 35,000 SFOR troops are currently deployed in Bosnia and Herzegovina, with contributions from all members of NATO and from 20 non-NATO countries.

2. Ireland joined SFOR on 27 May 1997, and is providing a Military Police contingent. An advance party arrived in Sarajevo in June, and the main body is expected to deploy at the beginning of July. Over the reporting period (23 May-22 June), there were no other significant changes in the overall size and composition of the force. SFOR has continued to conduct reconnaissance and surveillance by means of ground and air patrols, and to make random inspections of weapons cantonment sites. During the period, approximately 17,000 sorties were flown by combat aircraft, while the SFOR helicopter fleet flew over 2,500 hours. Since the end of April, the number of aircraft available has been reduced from 126 to 92. Those remaining provide sufficient capability to support SFOR's mission. SFOR's Operational Reserve troops continued their training, which began in April, as noted in last month's report, with the conduct of exercise Joint Resolve from 16 to 22 June.

3. Support continues to be provided to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), with SFOR maintaining its regular, coordinated training missions over Eastern Slavonia in order to exercise plans to provide close air support if necessary.

Cooperation and compliance by the parties

4. Overall, the parties are assessed as being substantially compliant with the military provisions of the Peace Agreement. Nonetheless, illegal movements, unauthorized training and inventory shortages continue to be discovered, and illegal checkpoints have again been found and dismantled over the reporting period. All parties continue to be responsible for violations due to reprisals and maltreatment of other ethnic groups. Some returning ethnic groups have been attacked, houses have been destroyed and some have been forcibly evicted. Further details are provided in paragraphs 5 to 11 below.

5. On 3 June, an air defence radar at a Bosnian Serb army site was confiscated after being activated on 28 May, outside its approved operational period. The confiscation was completed without incident. An immediate ban was imposed on all Bosnian Serb army flights, until 18 June.

6. On 10 June, following an inspection of the General Staff Headquarters of the Bosnian Serb army, SFOR discovered and confiscated a piece of undeclared radio equipment without incident.

7. On 18 June, SFOR confiscated heavy vehicles (1 tank and 2 infantry fighting vehicles) and artillery (2 x 76mm mountain howitzers) which had been detected in a non-declared Bosnian Serb army site. The operation was conducted without incident.

8. Over the reporting period, SFOR troops conducted a total of 588 site inspections: 190 combat and infrastructure sites belonging to the Bosniacs; 153 combat and infrastructure sites belonging to the Bosnian Croats; and 225 combat and infrastructure sites belonging to the Bosnian Serbs. As a result of these inspections, together with inspections of civil police stations, monitoring of illegal checkpoints and routine patrolling, the following weapons (including those mentioned above) were confiscated: from the Bosniacs, 1 unauthorized military vehicle, 1 EW radio receiver and 1 sniper rifle; from the Bosnian Croats, 1 electronic warfare device and 12 small arms; from the Bosnian Serbs, 1 infantry fighting vehicle, 1 tank destroyer, 1 armoured fighting vehicle, 1 SA-6 radar, 3 x 76mm mountain guns, 2 mortars and 114 small arms; and from civilian elements, 1 armoured personnel carrier, 1 radio and 2 small arms. Most of the confiscated weapons have already been destroyed, and the rest will be destroyed shortly.

9. SFOR monitored a total of 1,268 training and movement activities: 514 by the Bosniacs, 313 by the Bosnian Croats, 434 by the Bosnian Serbs and 7 by the Federation.

10. Freedom of movement continues to be impaired. Implementation of the new SFOR/International Police Task Force (IPTF) checkpoint policy, outlined in last month's report, has led to a dramatic increase in the number of unauthorized checkpoints dismantled, and SFOR removed, or participated in the removal of, 53 unauthorized checkpoints over the reporting period - 2 Bosniac, 6 Croat, 18 Bosnian Serb, 2 Federation and 25 unidentified. The new checkpoint policy is receiving a mixed response from the parties, being implemented with the full cooperation of Federation officials but with less support from Republika Srpska officials.

11. Over the reporting period there have been a number of incidents involving the return of refugees and displaced persons. On 21 June, Bosniac refugees blocked the Zenica-Maglaj road to protest against expulsions from several villages in the area by unarmed Bosnian Croats, despite an agreement with local authorities to allow them to work on their homes and farms during the day. The demonstration dispersed peacefully after an agreement was reached between SFOR, the other international organizations in the theatre and the mayors of Maglaj and Zepce. Under the terms of this agreement, Bosniacs were allowed to return to their homes between 7 a.m. and 7 p.m. daily in order to carry out repairs to make them suitable for future occupation. In Mostar, there have been reports of eviction threats against Bosnian Serbs and Bosniacs living in the Bosnian Croat controlled western part of the city. On 23 June, Bosnian Croat police attempted to prevent approximately 100 Bosniacs from participating in a Muslim holiday celebration in a village in the Bosnian Croat enclave of Kiseljak. The Bosniacs reacted by erecting road blocks, thereby completely stopping traffic. After the intervention of SFOR troops, using armoured vehicles and helicopters, the ceremony proceeded with the agreement of the police, and the road blocks were dismantled.

12. Continued close coordination between SFOR, IPTF and the Office of the United Nations High Commissioner for Refugees (UNHCR) has enabled the UNHCR bus lines to continue to operate over the reporting period. Fourteen lines are now open across the Inter-Entity Boundary Line. The European Union bus lines operating in ethnic majority areas have also benefited from this close coordination.

13. During the reporting period, the Entity Armed Forces, under SFOR supervision, removed 2,305 explosive devices from 231 mined areas. In the period since October 1996 when the linkages was first made between demining efforts and freedom of training and movement, 8,177 mines and unexploded ordnance have been removed from a total of 775 mined areas. It is expected that the demining activity will continue to increase throughout the summer. A training ban was imposed from 23 May until 21 June, and was subsequently extended until 7 July, on the third Bosnian Serb Army Corps due to a lack of demining effort.

14. On 6 June, at a meeting of the Joint Military Commission in Sarajevo, the army commanders of the parties reported on mine clearance, the reduction of cantonment sites and the recovery of vehicles belonging to the United Nations. Revised instructions to the parties were issued, reflecting amendments to procedures governing, inter alia, the definition of ordnance factories and the tasking of helicopters for medical evacuations or search and rescue missions.

Cooperation with international organizations

15. SFOR continues to provide assistance, within its capabilities, to the international organizations in theatre. SFOR liaises directly with officials of the Office of the High Representative in Sarajevo, Mostar and Brcko and continues to provide technical experts and assistance in telecommunications and engineering. Air transportation and information campaign assets also provided on a routine basis.

16. In cooperation with the Office of the High Representative, SFOR continues to work towards the opening of airfields within Bosnia and Herzegovina, and the re-constitution of the Civil Aviation Authority (CAA) to reflect equal representation from the entities. However, the parties have not yet signed memoranda of understanding with SFOR to enable the regional airports of Banja Luka, Mostar and Tuzla to be opened. Added impetus to this initiative was provided at the Peace Implementation Council Ministerial Steering Board meeting in Sintra, Portugal, on 30 May, when Ministers insisted that the parties show progress on opening the regional airports, and reconstitute CAA by the end of July. If progress is not made by that time, international cooperation with the existing CAA will cease. On 19 June, the SFOR Commander met with Dr. Silajdzic, the Co-Chairman of the Council of Ministers, to impress upon him the importance of the matter. A meeting of the Council of Ministers was subsequently held, on 20 June, at which a large number of amendments were presented by the Minister for Civil Affairs and Communications, Mr. Albijanic. No date for a further meeting of the Council of Ministers has been set.

17. The Standing Committee on Military Matters (SCMM) met for the first time on 1 June 1997, in the presence of the United States Secretary of State. The

meeting had been called by the outgoing High Representative, Carl Bildt. The SFOR Commander and representatives from the Office of the High Representative and the OSCE attended as observers. It was agreed to set up a working group to consider a proposed set of rules of procedure. After being postponed from 16 June, the first official SCMM meeting was held on 19 June, to consider the draft rules of procedure. No agreement was reached on a large number of amendments presented by President Krajisnik, and a revised set of rules of procedure is currently being worked on by the Office of the High Representative in cooperation with SFOR.

18. With respect to the forthcoming municipal elections, SFOR continues to guarantee the secure environment necessary for the conduct of voter registration and for campaigning by the political parties. Logistic assistance is being provided, as required, to OSCE, and SFOR also continues to provide personnel to support the OSCE Joint Election Operation Centre.

19. SFOR is continuing to support IPTF through surveillance, communications, transportation and the ability to call for armed reinforcements. SFOR also provides general area support to IPTF.

20. SFOR provides direct liaison to UNHCR on a permanent basis, as a member of its International Housing Commission, and works with UNHCR on organized returns, especially in the Zone of Separation. SFOR has also provided assistance through humanitarian civic action projects aimed at assisting displaced persons and refugees. The SFOR Civil-Military Task Force has now assessed the conditions for return in 83 cities and made this information available to the Repatriation Information Centre which it helped UNHCR to establish in Sarajevo.

21. SFOR is continuing to provide information on cantonment holdings of heavy weapons to the Personal Representative of the OSCE Chairman-in-Office for the Article IV Subregional Arms Control Agreement. Recently, SFOR's offer to move heavy weapons to reduction sites was accepted by the Bosnian Serb army. Multinational Division North helped the Bosnian Serb army to move 39 tanks, 5 armoured personnel carriers and an assortment of howitzers and mortars to reduction sites. On a national basis, some NATO members are providing technical expertise and equipment to the parties for the destruction of heavy weapons under the reduction provisions of article IV.

22. SFOR is also continuing to confirm with OSCE that the parties are notifying exercises, in accordance with the provision of the Article II Confidence-and-Security-Building-Measures (CSBM) Agreement. If this is not the case, SFOR will not grant permission to hold such exercises. With respect to the implementation of CSBM, a seminar on military doctrine took place on 11 and 12 June, in which participants from both entities agreed on a number of elements for their joint military doctrines. These include, inter alia, that armed forces should operate in accordance with the Peace Agreements; that there should be no use of force to solve outstanding issues; that there should be democratic control of the armed forces and the protection of human rights and fundamental freedoms. In addition, Hungary and Romania carried out an Open Skies demonstration flight over Bosnia and Herzegovina.

Outlook

23. Although the overall situation in the theatre is expected to remain stable, resettlements in minority areas and in key towns such as Brcko over the coming weeks and months could lead to incidents.

24. A forthcoming milestone in implementing the Peace Agreement are the municipal elections in September. SFOR will provide the general security framework for the elections as well as other direct support to OSCE, including appropriate logistic and communications support and assistance. The force will be adjusted accordingly.

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1 August 1997

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LETTER DATED 30 JULY 1997 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ISRAEL TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I should like to refer to the letter dated 10 July 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the Secretary-General (S/1997/534), which requested the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for a further period of six months, and to respond to certain incorrect and misleading points therein.

Firstly, it must be emphasized that the fundamental cause of the precarious situation in South Lebanon is the murderous acts of the terrorist organizations, mainly Hizbollah, who use Lebanese territory as a base of aggression against Israel; by the Lebanese Government's refusal to disarm these groups; and by the aid and encouragement given to terrorist organizations both by the Lebanese Government and by States well known for their support of international terror. These acts are contrary to international law and the Charter of the United Nations. Lebanon cannot engage in international terrorism with impunity.

Israel's responses to attacks have therefore been taken solely in self-defence. They are regretfully rendered necessary precisely because the Lebanese Government has been, and unfortunately remains, ineffectual, unable or unwilling to carry out its basic duty, under international law and the Charter, of preventing its territory from being used as a launching pad for Hizbollah and other terrorist groups' attacks against Israel and its citizens. In fact, the Lebanese Government has repeatedly had the opportunity to extend its authority over all its territory and pacify the areas in question. Yet the Beirut Government has demonstrated an incredible and inexplicable inability to act on this matter. In reality it is clear that the Lebanese Government's efforts at recovery from many years of ruthless civil war, referred to in the letter of the Chargé d'affaires, are frustrated, not by any alleged activity by Israel, but by its own inaction and ineptitude. Clearly to build a real recovery Lebanon needs first to create a solid foundation of peace and tranquillity.

For its part, Israel would positively welcome a change whereby Lebanon ceases to enable its territory to be illegally used for unprovoked terrorist

attacks, and so puts an end to current situations of attacks on Israel and its territorial integrity. Were it not for the unprovoked and relentless terror emanating from Lebanon, the border with Israel would be calm and safe.

Lebanon's position and policies are the primary obstacle preventing UNIFIL from fulfilling its role as they enable the infiltration of armed terrorists in and through UNIFIL's area of operations, thereby placing on UNIFIL the almost impossible task of trying to deal with a situation for which it was not created and for which it has no mandate.

Moreover, the Government of Lebanon's repeated refusal to return to the conference table to negotiate a Treaty of Peace completely negates its claim in its letter to be truly committed to the Middle East peace process. This peace process is based, as is set out in the invitation issued by the co-sponsors of the Madrid Conference, solely on Security Council resolutions 242 (1967) and 338 (1973). Other documents referred to by the Chargé d'affaires in no way constitute a base for negotiations in the Madrid Conference and the ensuing peace process. If the Lebanese Government really wishes to promote a peaceful settlement, it has to prevent the hostile activities of the heavily armed semi-independent terrorist groups present on its territory and to resume direct negotiations with Israel in accordance with the actual terms of reference of the peace process. This is something Israel has repeatedly suggested in the past, lamentably to no avail.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) David PELEG
Ambassador
Chargé d'affaires a.i.

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S/1997/604
1 August 1997

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GENERAL ASSEMBLY
Fifty-second session
Item 155 of the provisional agenda*
MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-second year

Letter dated 1 August 1997 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General

I have the honour to attach herewith the text of a letter from Mr. David Levy, the Deputy Prime Minister and Minister of Foreign Affairs of Israel, addressed to his counterparts, following the terrorist attack in Jerusalem on 30 July 1997.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 155 of the provisional agenda, and of the Security Council.

(Signed) David PELEG
Ambassador
Chargé d'affaires a.i.

* A/52/150.

ANNEX

Letter dated 31 July 1997 from the Deputy Prime Minister and Minister of Foreign Affairs of Israel

Yesterday, in two terrorist attacks in the heart of Jerusalem, 13 Israelis were killed and over 150 injured, including more than 10 in critical condition.

There is no justification of any sort for these atrocities, nor can there ever be. Indeed, these attacks came as Israel was continuing to implement measures designed to ease the economic conditions of the Palestinian community and had reconvened the bilateral committees charged with addressing the most pressing issues on the Palestinian agenda - as a result of my recent meetings with the Palestinian leadership - in a genuine effort to restore the trust and confidence between the sides.

These attacks came at a time when the Palestinian Authority has consistently failed to fulfil its obligations, to combat violence and terror, to refrain from incitement to violence and hatred, and to cooperate with Israel in the security sphere. Instead, we have been witness to the early release from detention of known terrorist activists, the continued use of official Palestinian media to disseminate hateful slogans and calls for continuation of the armed struggle against Israel, and the sight of senior officials of the Palestinian Authority participating in anti-Israel demonstrations and Israeli flag burning ceremonies. The Palestinian populace clearly perceives these actions as expressions of official approval for continued violence and terror.

In the absence of security cooperation between the sides, the destructive impact of these attacks extends far beyond the immediate loss of life and injury to body and property: they tear away at the basis of our people's faith in this peace process and in our Palestinian partner - faith which the goodwill and expressions of sorrow and condolence from the international community are helpless to restore.

We seek peace. We wish to seek the mutual implementation of the agreements signed between the sides and to proceed with the negotiations towards a comprehensive and lasting peace in our region. Yet, if the Middle East peace process is to be salvaged, dramatic and effective steps must be taken immediately by the Palestinian Authority to address the security issue. Terror and peace cannot coexist. Those who seek peace must fight terror, lest it consume them and the peace process itself.

The international community can and must play a more effective role in this regard. A clear and unequivocal message must be sent to Chairman Arafat and the Palestinian Authority that the Palestinian Authority must act effectively and consistently to uproot the terrorist infrastructure, and must renew unconditionally the security coordination with Israel. Without such action, all of the well-intentioned efforts of Israel and the goodwill and assistance of friendly countries will be destined to fall victim to the same destructive forces which struck yesterday in the heart of our capital.

I call upon all members of the international community to bring their full moral and political weight to bear on the Palestinian Authority to ensure that it fulfils it obligations and acts consistently and effectively to remove the terrorist scourge. If you wish, as we do, and as we believe the majority of Palestinians do, for this process to survive, your voice must now be heard.

(Signed) David LEVY
Deputy Prime Minister and
Minister of Foreign Affairs

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Fifty-first session
Agenda items 137 and 166
FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991
ELECTION OF JUDGES OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

SECURITY COUNCIL
Fifty-second year

Identical letters dated 30 July 1997 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

The President of the International Tribunal for the former Yugoslavia has requested, for the reasons set out in his attached letter of 18 June, an extension of the terms of office of the non-elected judges of the International Tribunal in order to allow them to dispose of ongoing cases. This matter raises institutional and budgetary questions pertaining to the status of the judges beyond their elected term of office and to related financial arrangements; these were explored in subsequent correspondence with the President, the Prosecutor and the Registrar of the Tribunal.

You may recall that at the election of judges of the International Tribunal by the General Assembly on 20 May 1997, a number of judges currently serving with the Tribunal were not elected for a second term of office. This in particular is the situation of the three judges composing Trial Chamber II

sitting in the Celebici case and whose term of office expires on 16 November 1997. If the same judges are not allowed to complete the case, it would be necessary to restart the trial with a new panel of judges and order the rehearings of witnesses and testimonies. At this stage of the proceedings this would unnecessarily prolong the trial and violate the right of the accused to due process of law.

The statute of the International Tribunal does not contain a provision similar to the one provided for in Article 13, paragraph 3, of the Statute of the International Court of Justice, whereby members of that Court continue to discharge their duties until they are replaced and, thereafter, until they finish any cases which they may have begun. It is, however, provided in article 13, paragraph 4, of the statute of the Tribunal that the terms and conditions of service of judges of the Tribunal shall be those of the judges of the International Court of Justice. Nevertheless, in the absence of an explicit statutory provision providing for the extension of the term of office of Tribunal judges to complete ongoing cases, an approval of the Security Council, as the parent organ, and of the General Assembly, as the electing organ, would be desirable to preclude any question about the legality of such an extension.

As more fully elaborated in the letter addressed to me by the President of the International Tribunal, the period required to complete the Celebici case is estimated at one year and the annual budgetary costs are estimated at $668,480. It is, of course, understood that in the period until the expiration of their elected term of office said judges would be assigned efficiently so as to reduce the period of extension required beyond the end of their elected term to the minimum consistent with due process of law.

I should appreciate it if you would bring the present letter and its attachment to the attention of members of the General Assembly and of the Security Council for their approval in the manner they deem fit.

(Signed) Kofi A. ANNAN

ANNEX

Letter dated 18 June 1997 from the President of the International Tribunal for the former Yugoslavia to the Secretary-General

Following the recent election of judges of the Tribunal with effect from 17 November 1997, there has arisen a serious problem to which I would like to draw your attention.

As you are probably aware, our Trial Chamber II, comprising Judges Karibi-Whyte, Odio Benito and Jan, is sitting in the Celebici case - a complex case, because it involves four defendants. None of the three judges has been re-elected and we will most likely face the situation later this year that the term of office of all judges will expire in November 1997 while the trial is still proceeding.

Under our Rules, judges cannot drop out once a trail has commenced. Were they to resign or cease to be in office, the trial would have to start again, with serious consequences (so far the Trial Chamber has heard 21 prosecution witnesses). At present it is envisaged that the trial could in fact continue for many months after the period of office of the judges expires. The restrictions imposed by the Tribunal having only one courtroom mean that soon we will have two trials (Blaskić and Celebici) running consecutively, each trial therefore only being held for two weeks of each month. In addition, we will have to make allowance for proceedings before the Appeals Chamber in two other cases (Erdemović and Tadić).

At present, as with the Rwanda Tribunal, there is no provision in the statute of the International Tribunal for the former Yugoslavia for judges, who are involved in a trial, still continuing with it after their period of office has expired. However, under article 13, paragraph 4, of the Tribunal's statute, provision is made that the terms and conditions of service of the judges shall be those of the judges of the International Court of Justice. Article 13, paragraph 3, of the Statute of the International Court of Justice prescribes that members of the Court shall continue to discharge their duties until their places have been filled. Furthermore, it provides that "though replaced, they shall finish any cases which they may have begun".

We would, therefore, like to request an extension of the three judges sitting in the Celebici case. We are, of course, aware of the financial implications of such an extension of the terms of office of judges and, therefore, at the suggestion of the Legal Counsel, our Registrar is prepared to submit a request for additional funds. We will, of course, try to expedite the trial as much as possible without, however, curtailing in any way the rights of the accused.

After discussing the matter with the Presiding Judge of the Trial Chamber (Judge Karibi-Whyte) we have come to the conclusion that a 12-month period (as from 17 November 1997) will be sufficient for the completion of the trial and the delivery of the judgement. This is, of course, on the assumption that we will change our present timetable which provided for two weeks per month for

each of the two trials already under way (Celebici before Trial Chamber II and Blaskić before Trial Chamber I) and make allowance for more time for the Celebici case. (In September Trial Chamber II would hold hearings for three weeks instead of two and in October it would hold hearings for four weeks instead of two.)

We are, of course, aware that this solution is not ideal, also because it will unduly delay the Blaskić trial. However, given the present lack of a second courtroom we have no alternative. May I add that an extension for 12 months of the three judges' term would not run counter to the practice of the International Court of Justice. We have been advised by the Registry of the International Court of Justice that in one case the mandate of an outgoing Judge (Gros) was extended for two years (1982-1984) while in another case (Judge Sette-Camara) it was extended for four years (1988-1992).

Finally, I would like to add on behalf of the Tribunal's Bureau that, after receiving the Prosecutor's memo of 17 June 1997, which has also been forwarded to you by our Registrar, the Bureau held a meeting with the members of Trial Chamber II. The Bureau asked them to do their utmost to finish the trial including the delivery of the judgement and the sentence, if any, before the expiry of the 12-month period, if the extension is granted by the Security Council and funding is available. The three judges are well aware of the need to speed up as much as possible trial proceedings, and assured the Bureau that in their view their judicial activities in the Celebici case should end well before the expiry of the 12-month period.

I should be most grateful to you if you would submit this letter to the members of the Security Council for their consideration and approval of the extension of tenure of the three aforementioned judges for 12 months as from 17 November 1997.

(Signed) Antonio CASSESE
President